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APRIL 26, 2020 BY RONNIE

Pharma Lobbying In Ontario — Good Thing Bill 160 Was Never Implemented

Bill 160 passed Third Reading in the Ontario Legislature at the end of 2017. However, since it never received Royal Proclamation, it's not officially law. This will become important soon.

Like so many pieces of legislation, it was packed so full that it was impossible to properly sort out.

- Ambulance Act

- Anti-Racism Act, 2017
- Broader Public Sector Accountability Act, 2010
- Child and Family Services Act
- Child, Youth and Family Services Act, 2017
- City of Toronto Act, 2006
- Commitment to the Future of Medicare Act, 2004
- Coroners Act
- Drug and Pharmacies Regulation Act
- Electronic Cigarettes Act, 2015
- Excellent Care for All Act, 2010
- Freedom of Information and Protection of Privacy Act
- Healing Arts Radiation Protection Act
- Health Care Consent Act, 1996
- Health Facilities Special Orders Act
- Health Insurance Act
- Health Protection and Promotion Act
- Health sector payment transparency act, 2017
- Independent Health Facilities Act
- Local Food Act, 2013
- Local Health System Integration Act, 2006
- Long-Term Care Homes Act, 2007
- Medical Radiation and Imaging Technology Act, 2017
- Medical Radiation Technology Act, 1991
- Ministry of Health and Long-Term Care Appeal and Review Boards Act, 1998
- Municipal Act, 2001
- Occupational Health and Safety Act
- Ontarians with Disabilities Act, 2001
- Ontario Drug Benefit Act
- Ontario Energy Board Act, 1998
- Ontario Mental Health Foundation Act
- Oversight of Health Facilities and Devices Act, 2017
- Patient Restraints Minimization Act, 2001
- Pay Equity Act
- Personal Health Information Protection Act, 2004
- Private Hospitals Act

- Public Hospitals Act
- Public Sector Labour Relations Transition Act, 1997
- Public Sector Salary Disclosure Act, 1996
- Quality of Care Information Protection Act, 2004
- Regulated Health Professions Act, 1991
- Residential Tenancies Act, 2006
- Retirement Homes Act, 2010
- Smoke-Free Ontario Act
- Social Contract Act, 1993
- Substitute Decisions Act, 1992
- Tobacco Damages and Health Care Costs Recovery Act, 2009

Purpose

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1 The purpose of this Act is to ***require the reporting of information about financial relationships that exist within Ontario's health care system, including within health care research and education***, and to enable the collection, analysis and publication of that information in order to,

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(a) ***strengthen transparency in order to sustain and enhance the trust*** that patients have in their health care providers and in the health care system;

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(b) provide patients with ***access to information that may assist them in making informed decisions*** about their health care;

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(c) ***provide the Minister and others with information*** for the purposes of health system research and evaluation, planning and policy analysis; and

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(d) provide for the collection, use and disclosure of personal information for these purposes.

Interpretation, "payor"

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3 Any of the following persons is a payor for the purposes of this Act ***if the person provides a transfer of value to a recipient***:

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1. A ***manufacturer that sells a medical product under the manufacturer's own name or under a trade-mark, design, trade name*** or other name or mark that is owned or controlled by the manufacturer and that fabricates, produces, processes, assembles, packages or labels the product, even if those tasks are performed by someone else on the manufacturer's behalf.

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2. A person who fabricates, produces, processes, assembles, packages or labels a medical product on behalf of a manufacturer described in paragraph 1.

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3. A ***wholesaler, distributor, importer or broker*** that promotes or facilitates the sale of a medical product.

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4. A ***marketing firm or person who performs activities*** for the purposes of marketing or promoting a medical product.

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5. A person who organizes continuing education events for members of a health profession on behalf of a manufacturer described in paragraph 1.

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6. A prescribed person or entity.

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Reporting obligations

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4 (1) Subject to subsection (2), a ***payor shall report to the Minister*** the information set out in subsection (5) with respect to the following transactions:

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1. A transfer of value provided directly by a payor to a recipient.

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2. A transfer of value provided indirectly by a payor to a recipient through an intermediary.

Schedule 4 is the most interesting part.

SCHEDULE 4
health sector payment transparency act, 2017

The Schedule ***enacts the Health Sector Payment Transparency Act, 2017***.

The purpose of the Act, as set out in section 1, ***is to require the reporting of information about financial relationships that exist within Ontario's health care system, including within health care research and education, and to enable the collection, analysis and publication of that information in order to, among other things, strengthen transparency***. The Act requires that certain transactions be reported to the Minister who shall analyse and publish the information. The Act establishes a framework for inspections and other compliance mechanisms. The Act provides for periodic review by the Minister.

Bill 160 Never Actually Proclaimed

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Health Sector Payment Transparency Act, 2017 - New Regulation
Regulation Number(s):
Health Sector Payment Transparency Act, 2017 - New Regulation
Bill or Act:
Health Sector Payment Transparency Act, 2017
Summary of Proposal:
The Health Sector Payment Transparency Act, 2017 (HSPTA) is new legislation intended to strengthen transparency about financial relationships that exist within Ontario's health care system and increase public trust and confidence.
Once proclaimed into force, HSPTA will require the medical industry, including pharmaceutical and medical device companies, to report annually to the Minister of Health and Long-Term Care all transfers of value (TOV) provided to certain categories of individuals and organizations involved in the health care sector.

According to CanLII, Bill 160 wasn't proclaimed (brought into force), as of May 29, 2019, which was a full 6 months after it had cleared in the Legislative Assembly. The Ontario Government "does" make reference to the passing of Bill 160, but adds in the all-important disclaimer: ONCE PROCLAIMED INTO FORCE

****Ford Never Implemented Bill 160***

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Drug companies would be forced to reveal payments to doctors under new Ontario legislation
The bill comes after years of research suggesting that financial ties to industry can negatively affect how doctors treat patients
THERAPEUTIC SPOTLIGHT
Sponsored by an Innovative Medicines Canada company
New vitamin D recommendations offer needed guidance for people living with MS
Browse a magazine or website dedicated to health and you'll often hear that familiar commandment: take your supplements! And with good reason: minerals and vitamins play an important role in ...
Treatment landscape for progressive MS gets

Health.Sector.Payment.Transparency.Act20171123_Submission-on-Bill-160_IMC_Final

b160.accountability.ra_e

A law that would have made Ontario the first province in which ***drug companies were forced to publicly disclose their payments to doctors is in limbo*** with less than two months to go before the data collection was supposed to begin.

Premier Doug Ford's Progressive Conservative government has not enacted the regulations that would bring into force the Health Sector Payment Transparency Act, legislation that was hailed as a major step toward openness in medical marketing when the former Liberal government passed it nearly a year ago.

Health Minister Christine Elliott's office ***would not say whether the Tories intend to proceed with the transparency law or abandon it***.

In the meantime, the ***legislation has been left to languish*** alongside other laws the Liberals passed but did not execute before they were swept out of office in June.

> "We know, in many cases, the health sector did not feel that the prior government engaged in proper consultation when enacting legislation," Hayley Chazan, the minister's press secretary, said in an e-mailed statement that declined to answer specific questions about the transparency law. ***"That's why our government is broadly consulting with partners in health care and reviewing all legislation that has not yet come into force*** as part of our efforts to develop a long-term transformational health strategy."

> The law ***would have led to the release of massive amounts of new data*** about how the pharmaceutical industry tries to influence the practice of medicine in the province.

How convenient it is that a law passed in 2017 was never actually implemented. This would have forced drug manufacturers and consultants to disclose how much money they had been spending in order to push their drugs to the public at large.

Ford claims (as did Wynne) that a delay is necessary in order to consult various parties and look for ways to best implement it. So, then why go through the time and expense of drafting and debating legislation ***BEFORE*** the consultations were done and the details worked out? Why is doing it ***AFTER*** the fact a better alternative?

Or, could this just be a way of "appearing" to clamp down on lobbyist influence, while still ensuring that is goes ahead nonetheless? Doesn't seem like a populist thing to do.

Previous Versions

Lobbyist	Last Amendment Date	Client Name
Brad Lavigne	01/22/2020	Emergent BioSolutions Canada Inc. (formerly Adapt Pharma Canada Ltd.)
Brad Lavigne	07/04/2019	Adapt Pharma Canada Ltd.
Brad Lavigne	04/04/2019	Adapt Pharma Canada Ltd.

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Previous Versions

Lobbyist	Last Amendment Date	Client Name	Company/Organization
Marina Vasiliou	11/19/2019		Biogen Canada Inc.
Marina Vasiliou	10/23/2019		Biogen Canada Inc.
Marina Vasiliou	10/18/2019		Biogen Canada Inc.
Marina Vasiliou	07/04/2019		Biogen Canada Inc.
Marina Vasiliou	05/21/2019		Biogen Canada Inc.
Marina Vasiliou	04/09/2019		Biogen Canada Inc.
Marina Vasiliou	10/16/2018		Biogen Canada Inc.
Marina Vasiliou	06/26/2018		Biogen Canada Inc.
Marina Vasiliou	04/27/2018		Biogen Canada Inc.

Lobbyist	Last Amendment Date	Client Name	Company/Organization
Cole Pinnow	02/21/2020		Pfizer Canada Inc.
Cole Pinnow	02/19/2020		Pfizer Canada Inc.
Cole Pinnow	02/14/2020		Pfizer Canada Inc.
Cole Pinnow	01/13/2020		Pfizer Canada Inc.
John Helou	08/15/2019		Pfizer Canada Inc.
John Helou	07/03/2019		Pfizer Canada Inc.
John Helou	02/07/2019		Pfizer Canada Inc.
John Helou	07/11/2018		Pfizer Canada Inc.
John Helou	04/17/2018		Pfizer Canada Inc.
John Helou	01/23/2018		Pfizer Canada Inc.

Lobbyist	Last Amendment Date	Client Name	Company/Organization
John Helou	01/16/2018		Pfizer Canada Inc.
John Helou	12/06/2017		Pfizer Canada Inc.
John Helou	07/24/2017		Pfizer Canada Inc.
John Helou	04/12/2017		Pfizer Canada Inc.
John Helou	03/06/2017		Pfizer Canada Inc.
John Helou	01/11/2017		Pfizer Canada Inc.
John Helou	10/03/2016		Pfizer Canada Inc.
John Helou	08/25/2016		Pfizer Canada Inc.

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Previous Versions

Lobbyist	Last Amendment Date	Client Name	Company/Organization
Jaskiran Shoker	03/31/2020	Bayer Inc.	Counsel Public Affairs Inc.
Jaskiran Shoker	02/27/2020	Bayer Inc.	Counsel Public Affairs Inc.
Jaskiran Shoker	09/05/2019	Bayer Inc.	Counsel Public Affairs Inc.
Jaskiran Shoker	08/29/2019	Bayer Inc.	Counsel Public Affairs Inc.
Jaskiran Shoker	07/31/2019	Bayer Inc.	Counsel Public Affairs Inc.
Jaskiran Shoker	07/04/2019	Bayer Inc.	Counsel Public Affairs Inc.
Jaskiran Shoker	05/09/2019	Bayer Inc.	Counsel Public Affairs Inc.

Previous Versions

Lobbyist	Last Amendment Date	Client Name	Company/Organizat
Irwin Simon	11/28/2019		Aphria Inc.
Irwin Simon	11/11/2019		Aphria Inc.
Irwin Simon	06/27/2019		Aphria Inc.
Irwin Simon	06/15/2019		Aphria Inc.
Irwin Simon	05/31/2019		Aphria Inc.
Irwin Simon	11/17/2018		Aphria Inc.
Victor Neufeld	08/17/2018		Aphria Inc.
Victor Neufeld	06/26/2018		Aphria Inc.
Victor Neufeld	06/09/2018		Aphria Inc.

Lobbyist	Last Amendment Date	Client Name	Company/Organization	Lobbyist Type
Howard Gaskin	03/24/2020		Purdue Pharma	In-house Persons & Partnerships
Adam Gibson	09/27/2019		Consumer Health Products Canada	In-house Organization
Gerry Harrington	09/27/2019		Consumer Health Products Canada	In-house Organization
Karen Proud	09/27/2019		Consumer Health Products Canada	In-house Organization
Kristin Willemsen	09/27/2019		Consumer Health Products Canada	In-house Organization
Danielle Peters	07/04/2017	Purdue Pharma	Magnet Strategy Group	Consultant Lobbyist
Mark Resnick	03/27/2017	Purdue Pharma	The Rothwell Group Inc.	Consultant Lobbyist
Oliver Johnston	09/01/2016		Purdue Pharma	In-house Persons & Partnerships

Lobbyist	Last Amendment Date	Client Name	Company/Organization	Lobbyist Type
Oliver Johnston	08/11/2016		Purdue Pharma	In-house Persons & Partnerships
Dr. Craig Landau	08/11/2016		Purdue Pharma	In-house Persons & Partnerships
Jay Shaw	08/12/2015		Purdue Pharma	In-house Persons & Partnerships
Randy Steffan	03/09/2015		Purdue Pharma	In-house Persons & Partnerships
David Angus	10/07/2014	Purdue Pharma	The Capital Hill Group Inc.	Consultant Lobbyist
Dr. Cornelia Hentzsch	10/25/2012		Purdue Pharma	In-house Persons & Partnerships
Michael Ras	04/10/2012	Purdue Pharma Canada	GCI Group (Canada)	Consultant Lobbyist
Kenneth Stewart	08/06/2008	Purdue Pharma	The Capital Hill Group Inc.	Consultant Lobbyist

Of course, this is nowhere near all of them. Does it paint a clearer picture? The Ontario Government is on the receiving end of lobbying by the drug industry. But because Bill 160 wasn't implemented, we won't know if any money has changed hands.

Could this be the real reason Bill 160 was never implemented? All of these lobbying records look back enough on the surface. However, if money changed hands in order for

certain drugs to be approved, or be sold in certain places, it ups the sleaziness considerably.

Kathleen Wynne passed Bill 160 in late 2017. She could have easily implemented it. So could have Doug Ford when he took power. Both had majority governments.

Keep in mind, this is not an exhaustive list of the drug lobbying that is going on in the Ontario Legislature. There is much more, and the above is just a sample of it.

(1) https://www.ola.org/en/legislative-business/bills/parliament-41/session-2/bill-160
(2) https://www.ola.org/en/legislative-business/bills/parliament-41/session-2/bill-160#BK6
(3) https://www.canadianmanufacturing.com/manufacturing/apotex-pharmachem-produces-hand-sanitizer-250950/.
(4) http://archive.is/H5OBj
(5) https://lobbycanada.gc.ca/app/secure/ocl/lrs/do/vwRg?cno=452&regId=858242
(6) https://nationalpost.com/health/drug-companies-would-be-forced-to-reveal-payments-to-doctors-under-new-ontario-legislation
(7) http://archive.is/CRqts
(8) https://www.canlii.org/en/on/laws/stat/so-2017-c-25-sch-4/latest/so-2017-c-25-sch-4.html
(9) https://www.theglobeandmail.com/canada/article-ford-pcs-leave-drug-company-transparency-law-in-limbo/
(10) http://archive.is/g1NHC
(11) http://lobbyist.oico.on.ca/Pages/Public/PublicSearch/
(12) Health.Sector.Payment.Transparency.Act20171123_Submission-on-Bill-160_IMC_Final
(13) Bill 160 Accountability

CANADA, CORRUPTION, DRUGS/ALCOHOL, LOBBYING, VACCINES

One Reply to “Pharma Lobbying In Ontario — Good Thing Bill 160 Was Never Implemented”

Ronnie

APRIL 27, 2020 AT 7:54 PM

It’s sad to see this happen.

The only reason I can give for not actually implementing is a deliberate effort to “appear” to be against drug lobbying, while ensuring it continues.